



THE RELEVANCE OF RIGHT TO EDUCATION ACT. (RTE ACT.) 2009 FOR PROMOTING INCLUSIVE EDUCATION IN WEST BENGAL, INDIA

Dr. Ujjwal Paul

Assistant Professor (W.B.E.S.) in Education, Government College of Education, Banipur, North 24 Parganas,
West Bengal, India.

Article DOI: <https://doi.org/10.36713/epra16614>

DOI No: 10.36713/epra16614

ABSTRACT

This paper explores the position of Inclusive Education in India, visualising on the relevance of the Right to Education Act. (RTE) of 2009 in fostering inclusivity within the education system. Through an examination of the key provisions of the RTE Act. and an analysis of its implementation, this paper discusses the progress made and the challenges faced in ensuring equal access to education for all children, including those with disabilities and from marginalised communities. As the 'RTE Act 2009', the law that provide the learners from the ages of 6-14 years the right to education for eight years i.e. up to class VIII, now it is the time to take accretion again on the standing position of the right to education of children who are amongst children with special needs or 'children with disabilities'. A qualitative study has been conducted to understand the real scenario regarding the problems prevalent in the school for ensuring inclusiveness, the challenges faced by the teachers in reality who are the main responsible for ensuring inclusiveness in schools and the provisions of RTE Act, 2009 and also to explore the ways to resolve the situations as per the teachers' opinion and drawing on existing literature and empirical evidence, recommendations and suggestions for the betterment of inclusive scenario in school.

KEYWORDS: Inclusive Education, Right to Education Act (RTE) 2009, Child rights, marginalized communities, disabilities, School Education

INTRODUCTION

'Inclusive Education' is a concept ingrained in the principle that every child, despite of their background, 'abilities' or 'disabilities' has the right to access and participates in quality education on an equal basis with their peers. In India, the concept of inclusive education gained momentum with the enactment of the 'Right of Children to Free and Compulsory Education Act. 2009' or 'Right to Education Act' (RTE) in 2009. Inclusion is the endeavour to create convinced that 'diverse learner' – those with 'disabilities', different homes and family, different languages and cultures, life style, interests and ways of learning. Inclusive Education denotes that all children irrespective of their strengths and weaknesses will be part of the mainstream education (NCF-2005).

Emergence

Inclusive Education aims to provide 'equal opportunities' for all children, in spite of of their milieu or abilities, to learn together in mainstream educational settings. In India, the 'Right to Education Act.' (RTE) of 2009 is a milestone legislation that seeks to ensure 'free and compulsory education' for all children with age of 6 to 14 years old. The RTE Act. envisions a more inclusive education system, where every child has the right to quality education without discrimination. This paper examines the role of the RTE Act. in promoting inclusive education in India and assesses its impact on the education landscape. The World Declaration on

'Education for All' in 1990 gave promote heighten to the various processes place in the country. The 'Rehabilitation Council of India Act, 1992' initiated a preparation course for the development of trained personnel to retort to the needs of 'students with disabilities'. 'The National Policy for Persons with Disability, 2006', which attempts to elucidate the outline under which the state, civil society and private sector must manoeuvre in order to ensure a dignified life for 'persons with disability'. Most recent progression is the 'Right of Children for Free and Compulsory Education Act. 2009' which guarantees the 'right to free and compulsory education' to all children between ages six to fourteen. 'Chapter V' of the 'Persons with Disability (PWD) Act, 1995' ensures that every child with 'disability' is entitled to a 'free education up to the age of 18 years'. Observance in this, the Government of India had accelerated the new scheme of 'Inclusive Education' to achieve the target of 'Education for All' (EFA) by 2010 (NCERT, 2011). The marginalization actually leads to non-inclusion. So in the present context of marginalization and non-inclusion, it is necessary to rethink on some issue related to inclusive education (Chatterjee, 2003).

The brief of Right to Education Act. (RTE) 2009

The 'RTE Act. of 2009' mandates 'free and compulsory education for all children' in the 6 to 14 age group. It prohibits discrimination on the basis of gender, caste, religion or



disability. Additionally, the RTE Act includes provisions for the appointment of trained teachers, infrastructure development and the establishment of School Management Committees (SMCs) to ensure the effective implementation of the Act.

‘Inclusive Education’ can be traced back from ‘National Educational Policy, 1986’, which also recommended, “to integrate the handicapped with the general community at all levels as equal partners, to prepare them for normal growth with courage and confidence”.

We can introspect ourselves by asking some questions like, what are the ‘needs and challenges’ for attainment the goal of ‘inclusive education’? How will an ‘inclusive environment’ convene the ‘needs of children with disabilities’? How ‘quality education’ can be successfully and efficiently disseminated ‘for all children’?

Highlights of RTE Act, 2009

The ‘Right of Children to Free and Compulsory Education Act, 2009’ was enacted on 4th August, 2009 in the Parliament of India and the Act came into force on 1st April, 2010. The enactment of this Act brings a huge change in the ‘Elementary Education’ in India. The act is a milestone in the history of education related legislation in India. According to ‘Section 5 of the Law’ it has farm duties of the State to identify the children in their communities and ensure the ‘enrollment’, ‘retention’ and completion of ‘elementary education’ to access ‘equity’, ‘quality education’ to the privileged groups. Section 16 of the Act, provides that ‘no child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education (RTE Act., 2009)’. A report on the status of implementation of the Act was released by the Ministry of Human Resource Development on the one-year completion of the Act admit that 8.1 million children in the age group 6-14 years remain out of school (RTE Act., First Anniversary status Report, 2010). For This why for the exclusion now it is needed to promote inclusive growth and development.

Concept of Inclusive Education

The principle of inclusive education was adopted at the ‘World Conference on Special Needs Education: Access and Quality’ (Salamanca Statement, Spain 1994) and was restated at the World Education Forum (Dakar, Senegal 2000). In almost every country of the world in the field of education ‘inclusive education’ has emerged as a foremost issue. With the release of the ‘Salamanca Statement’ in 1994 (UNESCO), many developing countries going ahead to promote the ‘inclusion of students with disabilities’ into mainstream schools and modifying their education polices. According to UNESCO, ‘inclusive education’ is seen as “a process of addressing and responding to the diversity of needs of all learners through increasing participation in learning, cultures and communities, and reducing exclusion from education and from within education.” Within an ‘inclusive education approach’, learning situations are encouraged where individual needs are met and every student has an opportunity to do well. Today, more and more schools are embracing

inclusion beliefs and values and putting into practice structures that will permit each student to learn in an environment that welcomes diversity (Govinda, 2011). The entire general classroom teacher should be included in a team and help each other in teaching, planning and counselling. There would be a number of constrains unlike general classroom, but teacher should face it courageously with their experiences, expertise, enthusiasm in an extra caring manner and RTE Act., 2009 also ensure this fact. The majority of children with disabilities still remain out of school.

Objectives

1. To understand the conceptual precision about the Inclusive Education along with the ‘Right to Education (RTE) Act, 2009’ with its objectives.
2. To study the prospects and challenges of Right to Education Act, 2009 among secondary school teachers of West Bengal to enhance Inclusive Education.
3. To identify the challenges to the implementation of Right to Education Act, 2009 among secondary school of West Bengal and possible ways in which the challenges could be addressed to the Inclusive Education.

Research fundamental Questions

Some basic questions like, what are the ‘needs and challenges’ for achieving the goal of ‘inclusive education’? How will an ‘inclusive environment’ congregated the ‘needs of children with disabilities’? How ‘quality education’ can be delivered for ‘all children’ with effectively and efficiently at school level? How ‘Right to Education Act, 2009’ address ‘inclusion’ at Secondary school level in West Bengal, India? To, answer such questions, central and state need to deal with classrooms teaching-learning and overall educational environment of school so that it can become an ‘inclusive school’.

Methodology

This study is a qualitative inquiry and its outcome is based on reviewing & revisiting the existing relevant documents, scholarly articles and the real-life experience through survey method namely school-based experiences related to the problem, teachers’ awareness, enthusiasm and willingness to execute the provisions of RTE Act, 2009 to ensure inclusion in schools. The data have been collected from 40 school teachers (including Headmaster/Headmistress, Teacher-in-Charge and Assistant Teachers) through interview. The participants i.e. the teachers are covering rural and urban areas of schools from eight districts (North 24 Parganas, South 24 Parganas, Nadia, Howrah, Kolkata, Hooghly, Bardhaman and Malda) of West Bengal state, India. Data have been received by interviewing the teachers through open ended questions regarding the views, challenges and suggestions related to provisions of ‘RTE Act, 2009’ and its impact on inclusion of disabled children in formal schooling system. The interview was taken focusing on the issues mainly related to the awareness towards the ‘RTE Act, 2009’ provision of ‘no detention policy’ up to class VIII, mid-day meal project, school environment, teachers engagement time at school, student-teacher model ratio, teachers training programme, inclusion status of disabled students after implementation of ‘RTE Act, 2009 at school level, challenges for achieving the goal of ‘inclusive education’ in



classroom, how an inclusive environment would likely to meet the 'needs of children with disabilities'?

Findings and Discussions

The responses given by the school teachers have been organised systematically and analysed through qualitatively, interpreting the interview focusing on the relevant issues with the help of coding and some specified details are revealed as follows:

The findings of the study showed that Policy interventions often diverge from how they are perceived and executed in practice. After analysing the responses it has been observed that the teachers' awareness related to RTE Act., 2009 are average. Most of the teachers have opined that they face and feel problems in various aspects which include conducting lottery system of admission, insufficient of funds for new TLM (Teaching learning materials) for Inclusive set-up, distribution of books, segregation of disabled children by their friends and some others, time constraint and traditional evaluation system, Overcrowded classroom, lack of proper teacher training, learning outcome of diverse to cater needs. Successful inclusion programmes require supportive leadership at the school level. This is evident from the low levels of enrolment of children with disabilities in the schools, in spite of the government's efforts to promote inclusion in the past four decades and the findings also supported by the study of Pattnaik (2018).

Relevance of RTE Act., 2009 for Promoting Inclusive Education

The RTE Act., 2009 plays a crucial role in promoting inclusive education by legally mandating equal opportunities for all children to access quality education. By prohibiting discrimination and ensuring the provision of necessary resources, the Act lays the foundation for creating inclusive learning environments. The Act establishes mechanisms such as monitoring system and grievance redressal mechanisms to hold authorities accountable for the effective implementation of inclusive education policies (Ministry of Law and Justice, 2009). In recent years, there has been a significant push towards integrating assistive technology into inclusive education practices in India (Singh, Sharma, & Agarwal, 2022). To address the shortage of special education teachers, the government has expanded special education teacher training programs across various states. These programs aim to equip educators with specialized skills to support students with diverse learning needs (Kumar & Reddy, 2023). Recognising the importance of gender inclusivity in education, curriculum reforms have been introduced to incorporate gender-sensitive content and pedagogical practices. Community-led initiatives have emerged as a promising approach to promoting inclusive education at the grassroots level. Projects such as community-based inclusive schools (CBIS) empower local communities to take ownership of inclusive education efforts and foster a supportive learning environment for all children (Mishra & Patel, 2023).

Suggestions for strengthen inclusive education in India

To further enhance inclusive education in India, it is essential to strengthen the implementation of the RTE Act through

increased investment in infrastructure, teacher training, and support services for children with disabilities. There are some specific submissions through which we can ensure inclusive education through addressing RTE Act., 2009:

1. Need the bridging between 'special schools' and 'inclusive education' practices and link also need to set up between 'community-based rehabilitation programmes' and 'inclusive education'.
2. Inclusion with adequate preparation of general schools with proper infrastructural facilities with a focus on improving accessibility for children with disabilities removal of architectural barriers (Least Restrictive Environment-'LRE') at schools.
3. Awareness generation among parents, communities, and civil society in promoting inclusive education and about 'no detention policy', which should be there but regular evaluation (formative evaluation like 'CCE') should be based on performance indicators among all students.
4. Ongoing professional development programmes of 'general teachers' at 'pre-service' and 'in-service' levels should be incorporated regularly, so that teachers will be equipped better to work in an 'inclusive environment'.
5. Regular data collection and monitoring mechanisms should be established to assess progress towards inclusive education goals and identify areas for improvement.
6. Policies needed to steps for execution Pupil-centred pedagogy (modern teaching method) like Constructivist approach where all can progress at their optimum pace.
7. Curriculum materials should be made accessible and incorporated with value education and specialist teachers (Itinerant Model) are made available to support mainstream education.

CONCLUSION

'Inclusive Education' is not only a right but also a cornerstone of social justice and equality. The 'RTE Act of 2009' represents a significant milestone in India's journey towards inclusive education, but concerted efforts are needed to overcome existing challenges and realise the vision of an inclusive education system that leaves no child behind. By addressing infrastructure gaps, enhancing teacher capacity, and promoting community participation, India can move closer to achieving the goal of inclusive and equitable education for all. 'Right to Education Act., 2009' ensures education to 'all children' irrespective of their 'caste', 'religion' and 'ability'. The term 'Inclusion' is more than a method of educating students with 'disabilities'.

Hence, the total system of education including the teachers, parents, and students will also suffer if the consequences of implementation of the Act, are not judge judiciously in India's own perspective, especially when the country has vast regional perspectives in education among its states. The central and state government need to overhaul the education system including strong vigilance for nurturing indisputable inclusive practices by better and wholesome implementation of 'RTE Act, 2009' to ensure 'Inclusive Education' across the country. Inclusive education is essential for promoting social justice and ensuring that every child has the opportunity to reach their full potential. The RTE Act of 2009 represents a



significant step towards achieving inclusive education in India, but concerted efforts are needed to address the existing challenges and realise the vision of an inclusive education system.

REFERENCES

1. Chatterjee, G. (2003). *The global movement for inclusive education*. Retrieved 11th January, 2018, from <http://www.indiatogether.org/2003/apr/edu-inclusive.htm>
2. Government of India (1992). *Rehabilitation Council Act of India Act, 1992*, Ministry of Law and Justice and Company Affairs, New Delhi: Government of India Gazette. Retrieved 7 June, 2018, from <http://niepmd.tn.nic.in/documents/RCI%20Act.pdf>
3. Government of India (1995). *The Persons with Disabilities (Equal opportunities, Protection of Right and full Participation) Act, 1995*, Ministry of Law and Justice and Company Affairs, New Delhi: Government of India Gazette. Retrieved 6 June, 2018, from <http://niepmd.tn.nic.in/documents/PWD%20ACT.pdf>
4. Government of India (2006). *National Policy for Persons with Disabilities*, Ministry of Social Justice and Empowerment, New Delhi: Government of India Gazette. Retrieved 6 June, 2022, from <http://www.disabilityaffairs.gov.in/upload/uploadfiles/files/NationalPolicyForPersonswithDisabilities.pdf>
5. Government of India (2009). *The Right of Children to Free and Compulsory Education Act, 2009*, Ministry of Law and Justice, New Delhi: Government of India Gazette. Retrieved 5 July, 2021, from https://mhrd.gov.in/sites/upload_files/mhrd/files/upload_document/rte.pdf
6. Government of India (2017). *Ministry of Social Justice and Empowerment Annual Report 2016-17*. New Delhi: Government of India. Retrieved 8 September, 2019, from <http://socialjustice.nic.in/ViewData/OldArchives?mid=76658>
7. Govinda, R. (2011). *Who goes to school? Exploring Exclusion in Indian Education*. ISBN: 9780198070764, New Delhi: Oxford University Press.
8. Kumar, R., & Reddy, S. (2023). *Addressing the Shortage of Special Education Teachers: A Case Study of Training Programs in India*. *Journal of Inclusive Education*, 8(2), 112-125.
9. MHRD (1986). *National Policy on Education (NPE-1986)*, New Delhi, MHRD, Department of Education, Govt. of India, Retrieved 3 May, 2019, from http://www.ncert.nic.in/oth_anoun/Policy_1986_eng.pdf
10. MHRD (2005). *Action Plan for Inclusive Education of Children and Youth with Disabilities*. New Delhi, MHRD, Govt. of India, Available on <http://www.education.nic.in>
11. Mishra, P., & Patel, N. (2023). *Community-Led Inclusive Education Initiatives: Empowering Local Communities for Change*. *International Journal of Inclusive Education*, 17(4), 321-335.
12. NCERT (2011). *The National Focus Group on Education of Children with Special Needs: Position Paper*. New Delhi: India.
13. NCF (2005). *National Curriculum Framework*. New Delhi: NCERT. Retrieved 3 May, 2019, from <http://www.ncert.nic.in/rightside/links/pdf/framework/eng/ish/nf2005.pdf>, PP.79-89
14. Pattnaik (2018). *Impact of Right to Education Act on the Marginalized Children: A Case study of the Private English Medium Schools in the Bhubaneswar City*, *IOSR-JHSS*. e-ISSN: 2279-0837, vol. 23 no. 2, 2018, pp. 54-64, Retrieved 6 June, 2019, from <http://www.iosrjournals.org/iosrjhss/papers/Vol.%2023%20Issue2/Version6/I2302065464.pdf>
15. Singh, A., Sharma, R., & Agarwal, S. (2022). *Integrating Assistive Technology in Inclusive Education: Case Studies from India*. *Journal of Assistive Technology*, 10(1), 78-91.
16. Thomas, P. (2005). *Mainstreaming disability in development: India country report*. Retrieved 4 May, 2019, from: <http://siteresources.worldbank.org/INTSARREGTOPLAB/SOCPRO/1211714-1144074285477/20873614/IndiaReportDFID.pdf>
17. UNESCO (1994). *The Salamanca Statement and Framework for Action on Special Needs Education, the World Conference on Special Needs Education: Access and Quality*. Salamanca, Spain, 7-10 June, 1994. Retrieved 25 October, 2019 from https://bice.org/app/uploads/2014/10/unesco_the_salamanca_statement_and_framework_for_action_on_special_needs_education.pdf
18. UNESCO (2000). *Education for all: Meeting our collective commitments, The Dakar Framework for action*, World Education Forum Dakar, Senegal, Retrieved 19 October, 2019, from <https://s3.amazonaws.com/inee-assets/resources/dakar.pdf>
19. UNESCO (2020). *Press release on UNESCO's exclusive focus on Inclusive Education*. Retrieved 20 January, 2024, from <https://www.unesco.org/en/articles/unescos-exclusive-focus-inclusive-education>
20. UNICEF (2007). *Promoting the Rights of Children with Disabilities*. Innocenti Research Centre. (Digest No. 13), Retrieved 20 December, 2023, from <http://www.unicefirc.org/publications/pdf/digest13-disability.pdf>